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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/702,449

11/07/2003

Takuya Morishita

8028-1045

9706

466 7590 11/15/2007  
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EXAMINER

WERNER, DAVID N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/702,449</p>	<p>Applicant(s)</p> <p align="center">MORISHITA, TAKUYA</p>	
	<p>Examiner</p> <p align="center">David N. Werner</p>	<p>Art Unit</p> <p align="center">2621</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 9 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>             Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>             Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
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### **DETAILED ACTION**

1. This Office action for US Patent Application 10/702,449 is in response to communications filed 28 August 2007, in reply to the First Action on the Merits of 15 June 2007. Currently, claims 1-23 are pending. In the Previous Office action, claim 23 was rejected under 35 U.S.C. 101 as non-statutory, claims 1-5, 8, 10-16, 19, and 21-23 were rejected under 35 U.S.C. 103(a) as obvious over US Patent Application Publication 2003/0113097 A1 (Shibutani) in view of US Patent 6,532,333 B1 (Ito), and claims 6, 7, 17, and 18 were rejected under 35 U.S.C. 103(a) as obvious over Shibutani in view of Ito, and in view of US Patent Application Publication 2001/0036355 A1 (Kelly et al.). The drawings, specification, and claims 1-12 and 20 were objected to on formalities. Claims 9 and 20 were found to have allowable subject matter but objected to as dependent on rejected base claims.

#### ***Drawings***

2. Replacement drawings were received on 28 August 2007. These drawings are acceptable.

#### ***Response to Amendment***

3. Applicant's amendments to the specification have been fully considered. The objections to the specification have been withdrawn.

4. Applicant's amendments to claims 1-12 have been fully considered. The objections to claims 1-12 on formalities have been withdrawn.
5. Applicant's amendment to claim 23 has been fully considered. The rejection of claim 23 under 35 U.S.C. 101 has been withdrawn.

***Response to Amendment***

6. The translation of the foreign priority document under 37 CFR 1.132 filed 28 August 2007 is sufficient to overcome the rejection of claims 1-8, 10-19, and 20-23 based upon Shibutani.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-8, 10-19, and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

8. Claim 20 is objected to because of the following informalities: the word "edition" should be "editing". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-7, 10, 12, 13, 15-18, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application Publication 1,089,571 A2 (Kato). Kato teaches a video transport stream recording and reproduction apparatus. Regarding claims 1 and 12, figure 16 of Kato illustrates the operation of a "sectional deletion" function. In step S41, an entry point map is loaded into a controller, and in step S42, the user inputs the deletion range into the controller [0091]. This corresponds to the "designating a range of the video/audio data to be an editing object". Since the user designates the deletion range based on time [0091], and in MPEG-2, only one frame is displayed at a time, there is necessarily a "start frame" at the start of the deletion range and an "end frame" at the end of the deletion range. In step S43, the controller converts the deletion range into units aligned with the 192-byte MPEG-2 transport stream packets [0092], and in step S44, the controller erases data by overwriting the TS packets with null packets [0093]. At step S45, the entry map is updated to reflect the removed packets, by changing the offset number on each remaining packet after the deleted section [0095]. This corresponds to the "rewriting a header of video data in the designated range to constitute nullified data". Regarding claim 23, the invention of Kato may be implemented in software (paragraphs 0117-0119).

Regarding claims 2 and 13, in Kato, a deleted section is replaced with null data [0093]. Regarding claims 4 and 15, in Kato, the updated entry map reflecting the editing is written onto a recording medium [0095]. Regarding claims 5 and 16, null packets are

determined based on an offset value in the packet header [0050]. Regarding claims 6, 7, 17, and 18, the deletion range is measured according to an elapsed time of a deletion range [0091], and converted to an offset number of aligned packets [0095]. The undeleted packets are kept in the recording medium [0096]. Regarding claims 10 and 21, Kato operates on MPEG2 video [0028].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 11, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of US Patent 6,532,333 B2 (Ito). Claims 3, 11, 14, and 22 are directed to re-encoding the first frame after the end frame of a deleted portion of video as an intra frame. Kato does not teach this feature, but instead aligns a deletion range so that the next frame presented after a deleted region is the nearest intra frame to the end frame [0116].

Ito teaches a video editing system. Regarding claims 3, 11, 14, and 22, in Ito, a user cuts video previous to a cut position CP (column 5: lines 34-41), which may be in the middle of an MPEG-2 group of pictures (GOP). Next, Ito checks the picture at the cut position to determine if this picture is an I-picture, a P-picture, or a B-picture. If the picture is an I-picture, cut video Va before the picture is changed to "reproduction

invalid" dummy data. Otherwise, the picture is first re-encoded as an I-picture (column 5: lines 43-65).

Kato discloses the claimed invention except for re-formatting a video frame as an intra-frame. Ito teaches that it was known to reformat a P-picture or a B-picture following an edit point as an I-picture. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to set the format of pictures following a deleted range as I-pictures, as taught by Ito, since Ito states in column 2: lines 18-39 that such a modification would reduce reproduction error in a video having an edit point in which video is resumed in the middle of a GOP.

12. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of US Patent 6,707,778 B1 (Lin et al.). Claims 8 and 19 are directed to rewriting a header in an editing operation to indicate the size of data to be nullified. Kato does not teach this limitation.

Lin et al. teaches a video editing system. Regarding claims 8 and 19, Lin et al. may delete video frames in one of three ways: first, by deleting the data from a bitstream; second, by replacing data with stuffing data; and third, setting a PES\_packet\_length field in the header of an MPEG-2 packetized elementary stream to zero to delete a packet (column 9: lines 4-8). The effect of changing a PES\_packet\_length field in a packet header is to change the length of the packet read in a decoder. By setting this to zero, the packet becomes a skip packet.

Kato discloses the claimed invention except for changing header data in an edit operation in accordance with the size of data to be skipped. Lin et al. teaches that it was known to edit packetized video by adjusting a packet length field in a packet length header. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the packet length field adjusting means of Lin et al. into the editing system of Kato, since Lin et al. states in column 3: lines 45-55 that such a modification would allow video editing without needing to decode encoded MPEG signals.

#### ***Allowable Subject Matter***

13. Claims 9 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,333,950 B1 (Karasawa) teaches a PES/TS video converter. US Patent Application Publication 2001/0036355 A1 (Kelly et al.) teaches an editing system that constrains edit points to I-pictures, and adjusts time bases according to the constrained edit points. US Patent Application Publication 2002/0087999 A1 (Kashima et al.) teaches a multiplexer for packetized MPEG video.

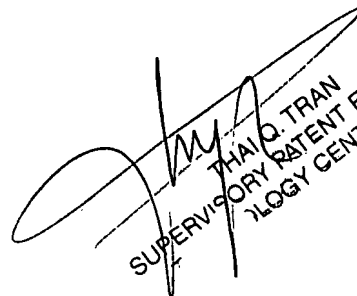


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571) 272-9662. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNW

  
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